

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS,)
)
)
Plaintiff,)
)
)
v.) No. 4:10CV2038 FRB
)
)
RICHARD WOODERSON,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte*. On November 8, 2010, the Court reviewed the complaint and found that it did not contain plaintiff's original signature. The Court then returned the original complaint to plaintiff and ordered him to resubmit it with his original signature. Plaintiff has failed to timely submit the complaint with his signature. Rule 11 of the Federal Rules of Civil Procedure states, "The court must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party's attention." As a result, the Court will strike the complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's complaint is **STRICKEN** pursuant to Rule 11 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 15th day of December, 2010.

/s/ Donald J. Stohr

UNITED STATES DISTRICT JUDGE